



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,889	12/26/2001	Shouji Fujino	FUJINO=4	8273

1444 7590 06/06/2005
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,889

Applicant(s)

FUJINO, SHOUJI

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 - 4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0405.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. (4,155,040) in view of Flynn et al. (5,583,885).

Regarding 1, Harmon teaches a frequency translation transceiver characterized by comprising: a memory unit for storing and setting a plurality of frequencies (Figure 1, Column 4 lines 25 – 35); a receiver circuit for performing a scanning operation of said plurality of frequencies in its receiving mode to obtain an incoming signal (Column 3 lines 46 – 56); a transmitter circuit for transmitting an audio signal (Column 3 lines 56 – 68, Column 4 lines 1 – 4); and means operative after a first communication in which transmission occurs at a first carrier frequency for automatically causing transmission to always occur at a second carrier frequency different from the first carrier frequency during a succeeding second communication (Column 5 lines 10 – 17, the operator can select a different channel each time prior to operating the PTT key), whereby different carrier frequencies are used for successive transmitting operations (Column 4 lines 25 –

27, Column 5 lines 10 – 17, there are a plurality of frequencies stored, the operator can select a different channel each time prior to operating the PTT key).

Harmon does not teach an identification number and a detection circuit for extracting data of an identification number of an incoming signal.

Flynn teaches an identification number (Column 2 lines 15 – 19, Column 2 lines 24 – 29, Column 5 lines 56 – 62) and a detection circuit for extracting data of an identification number of an incoming signal (Column 7 lines 4 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use identification number and the method of extracting said identification number taught above in Flynn in the transceiver unit of Harmon for the purpose of enabling the user (user A) of said land mobile radio to be informed of the identity of another user (user B), who wishes to contact said user A.

3. Claims 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. (4,155,040) in view of Flynn et al. (5,583,885), as applied to Claim 1 above, and further in view of Englert et al. (5,247,703).

Regarding Claim 2, Harmon in view of Flynn teaches all of the claimed limitations recited in Claim 1. Flynn further teaches transmitting said data of said identification number and then transmitting said audio signal (Column 2 lines 24 – 27, Column 5 lines 56 – 62).

Harmon in view of Flynn does not teach wherein a carrier is detected by receiving one of said plurality of frequencies immediately after the end of said scanning

Art Unit: 2684

operation; said data of said data of said identification number is transmitted when said carrier is not detected; and then said audio signal is transmitted.

Englert teaches wherein a carrier is detected by receiving one of said plurality of frequencies immediately after the end of said scanning operation (Column 7 lines 34 – 39) and said carrier is not detected (Column 7 lines 34 – 39, when a carrier is not detected the microprocessor activates the squelch control line to mute the audio so that the user can transmit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the CTCSS method of Englert in the transceiver unit of Harmon in view of Flynn for the purposes muting audio signals that are too weak or non-existent and unmuting when the audio signal is intelligible thus creating a receiver that operates efficiently as taught by Englert.

Regarding Claim 3, Harmon in view of Flynn and in further view of Englert teaches all of the claimed limitations recited in Claim 2. Englert further teaches stopping the scanning operation when said carrier is received (Column 3 lines 10 – 15, Column 7 lines 34 – 39). Flynn further teaches reception of said audio signal starts when said identification number is confirmed through authentication of said data of said identification number (Figure 4, Column 6 lines 52 – 67, Column 7 lines 4 – 15, the High Pass Filter (HPF)/ANI Detector will only pass legitimate ANI information to the modem thus there is an inherent confirmation and identification done by said HPF/ANI Detector).

Regarding Claim 4, Harmon in view of Flynn and in further view of Englert teaches all of the claimed limitations recited in Claim 2. Flynn further teaches transmission of said audio signal is performed after a lapse of a predetermined period of time after said data of said identification number is transmitted (Column 2 lines 24 – 27, Column 5 lines 56 – 62, the ANI information is transmitted before the audio thus there is an inherent lapse of a predetermined period of time between transmission of said ANI information and said audio).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 571-272-7877. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/018,889
Art Unit: 2684

Page 6



Raymond S. Dean
May 27, 2005



NAY MAUNG
SUPERVISORY PATENT EXAMINER